IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 141 of 2005

For Approval and Signature:

HON'BLE MR. JUSTICE M.D. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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RAVJIBHAI RANCHHODBHAI

Versus

STATE OF GUJARAT

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Appearance:

1. Criminal Revision Application No. 141 of 2005

MR PRAVIN GONDALIYA for Petitioner No. 1-3

Mr.K.P.Raval, A.P.P. for Respondent No. 1

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CORAM : HON'BLE MR. JUSTICE M.D. SHAH

Date of decision: 20/04/2005

ORAL JUDGEMENT

1. Heard learned Advocate Mr. Pravin Gondaliya for the petitioner and Mr. K.P.Raval, learned A.P.P. for the respondent-State.

2. Rule. Learned A.P.P. Mr. K.P.Raval waives service of rule on behalf of the respondent no.1-State.

With the consent of the parties, the matter is taken up for final hearing and disposal today.

3. This Criminal Revision Application is directed against the order dated 27-1-2005 passed by the Additional Sessions Judge, 11th Fast Track Court, Rajkot, below Application Exh.58 in Sessions Case no.32 of 2002 whereby the application made by the petitioner to furnish him with certain documents came to be rejected.

4. It is the case of the applicants, that they are accused of Sessions Case no.32 of 2002 who are facing the charges of offence punishable under Sections 306, 498A etc. of the Indian Penal Code. It is the case of the applicants that they had initially made applications Exhs.28 and 32 demanding the documents of first entry made in Jasdan Police Station with regard to accidental death no.3 of 2002 together with other police papers and medical papers which came to be rejected by the learned Sessions Judge, Rajkot, vide order dated 20-10-2004. The applicants thereafter preferred application Exh.58 demanding all relevant documents including statements of all witnesses which also met with the same fate by order dated 27-1-2005 passed by the learned Sessions Judge, Rajkot. It is this order dated 27-1-2005 which is the subject matter of challenge in the present Criminal Revision Application.

5. Learned Counsel Mr.Gondalia for the petitioner has strenuously argued that the documents, namely, first entry made in Jasdan Police Station with regard to accidental death no.3 of 2002, police papers, medical papers and P.M.Note which were sought to be furnished were very important documents which are necessary for defence at the trial. I am not convinced with this argument of Mr. Gondal for the simple reason that looking to the deposition of PW 1 Dr. Govindbhai Parmar, the postmortem of deceased Kanchanben was not performed at Jasdan Hospital since upon preliminary inspection there arose some suspicion with regard to the cause of death, and therefore, Dr.Govindbhai Parmar and one Dr. Lal sent the dead body of deceased Kanchanben to the Government Hospital, Rajkot for autopsy. The Doctor in his testimony has also clearly stated that since postmortem was not performed, he does not have the papers of postmortem. So far as other documents claimed by the applicants are concerned, they have been supplied with the same.

6. Learned A.P.P. Mr. Raval has contended that the learned Additional Judge was right in rejecting the

application made by the applicants-accused and that the application deserves to be dismissed.

7. Viewed in the light of the evidence as discussed hereinabove, there being no legal infirmity, I do not find any justification to interfere with the order passed by the learned Additional Sessions Judge, Rajkot, which is quite legal and proper.

8. In the result, this Criminal Revision Application which lacks merits, fails and is hereby dismissed. Rule is discharged.

(M.D.Shah,J.)

stanley-mds.